



**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
NAGPUR BENCH, AT NAGPUR.**

CRIMINAL APPLICATION (APPA) NO. 978 OF 2025

IN

CRIMINAL APPEAL NO. 577 OF 2025

(Abhishek s/o Ashok Kotangale ..vs.. State of Maharashtra, through PSO, PS Jaripatka, Nagpur)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. Junaid Ahmed, Counsel for the applicant/appellant,
Mr. Amit Chutake, Addl.P.P. for the respondent/State.

CORAM : NIVEDITA P. MEHTA, J.

DATE : 01-12-2025

The present applicant/appellant has preferred this appeal challenging the judgment and order dated 28.10.2025 passed by the learned Additional Sessions Judge, Nagpur, in Special (POCSO) Case No. 511/2024, whereby the applicant was convicted for offences punishable under Section 354 of the Indian Penal Code and Sections 8 and 12 of the Protection of Children from Sexual Offences Act, 2012. The applicant was sentenced to undergo rigorous imprisonment for four years and to pay a fine of ₹10,000/-, and in default of payment of fine, to undergo simple imprisonment for six months for the offences under Sections 8 and 12 of the POCSO Act.

2. Learned Counsel for the applicant submits that the applicant was on bail during the trial and had not misused the liberty granted by the learned trial Court. It is further submitted that the sentence imposed is of short duration and, in view of the alleged contradictions and omissions in the prosecution evidence, the applicant has a fair chance of succeeding in the appeal.

3. Learned Additional Public Prosecutor opposes the application, contending that suspension of sentence may afford the applicant an opportunity to misuse liberty. It is submitted that the learned trial Court has correctly appreciated the cogent evidence led by the prosecution and has rightly convicted the applicant for the offences charged.

4. Having considered the rival submissions, the short duration of the sentence imposed, the fact that the applicant was on bail during the trial without any reported misuse of liberty, and the likelihood of delay in final disposal of the appeal, this Court is of the view that the present case warrants suspension of sentence during the pendency of the appeal.

5. Accordingly, the sentence imposed on the applicant is suspended during the pendency of the appeal, on the applicant furnishing a solvent surety in the sum of ₹20,000/- (Rupees Twenty Thousand Only) and executing a Personal Recognizance Bond in the like amount. The applicant shall report before the trial Court on the first day of every month until disposal of the appeal. The applicant shall also furnish his current address proof and mobile number to the Investigating Officer.

6. The application is disposed of accordingly.

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Head.

2. **Admit.**

3. Call record and proceedings.
4. Mr. Amit Chutake, learned Additional Public Prosecutor waives service of notice on behalf of the respondent/State.

(NIVEDITA P. MEHTA, J.)

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